

REMARKS

A copy of FIG. 1 of the drawings is submitted herewith bearing the legend - -  
PRIOR ART - - indicated in red thereon as a proposed drawing correction.

A copy of FIG. 2 of the drawings is submitted herewith including proposed  
drawing corrections indicated in red to delete the numeral 32 and the lead line, to add the  
numerals 21, 23 and 33 and the lead lines therefor, and to show the section line as 3-3  
instead of A-A. It is noted that FIG. 2 already includes the reference number 24 and the  
lead line therefor.

A copy of FIG. 6 of the drawings is submitted herewith showing the proposed  
drawing correction in red to designate the section line 7-7 instead of B-B.

A copy of FIG. 8 of the drawings is submitted herewith showing the proposed  
drawing correction in red to designate the section line as 9-9 rather than C-C.

A copy of FIG. 9 of the drawings is submitted herewith showing the proposed  
drawing correction in red to include the numeral 53 and the lead lines therefor.

A copy of FIG. 12 of the drawings is submitted herewith to show the proposed  
drawing correction in red to designate the section lines as 13-13 rather than D-D.

In the Notice of Draftsperson's Patent Drawing Review, it is indicated that the  
views in FIG. 4d of the drawings are not labeled separately. It is noted that FIG. 4d does  
not include separate views but rather one view of the upper portion of the can in a  
completely open position like that shown in FIG. 5. Accordingly, no correction of FIG.  
4d should be required.

In accordance with the Examiner's request, the title has been amended to read

-- CAN WITH IMPROVED OPENING STRUCTURE -- to make it more descriptive.

Claim 4 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that there is insufficient antecedent basis for the limitation "the nearby notch portion" in line 2 thereof. Since claim 4 has been canceled, this rejection is now obviated.

Claims 1-9 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cortez (U.S. 5,535,911). It is submitted that claims 1-3, 5-9 and 18, as amended herein, are not anticipated or rendered obvious by the teachings of the Cortez reference. Accordingly, the amended claims should now be allowable over the teachings of Cortez.

In the can of Cortez, the top is opened by first applying downward pressure on a first pressure point 44 which separates the lid and moves it upwardly. Thereafter, downward pressure is applied to a second pressure point 46 to push the lid into the can to allow the contents to be freely poured therefrom. The construction and operation of the can of Cortez are significantly different from that of the subject invention, as recited in the amended claims 1-3, 5-9 and 18.

The amended claims all recite a recessed thimble portion and the destruction of the notch portion by lateral movement of the thimble portion away from the notch portion and toward the wrinkled portion to bend it in a wave shape. This novel construction and operation of Applicant's can clearly are not shown or suggested by the teachings of

Nam-young KIM  
Appl. No. 09/937,502  
September 22, 2003

Cortez. There are additional limitations in the dependent claims that further differentiate from Cortez, such as the initial destruction portion called for in claims 2 and 3 and the beverage flow guiding portion called for in claims 6 and 9. New dependent claim 18 further recites that the wrinkled portion is formed at an inclined portion of the seal member to facilitate lateral movement of the thimble portion.

In view of the above-amendments and remarks, it is submitted that claims 1-3, 5-9 and 18 are clearly allowable over the teachings of Cortez and the other cited references. Formal allowance of these claims is earnestly solicited.

Respectfully submitted,

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